

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KENNETH HICKERSON,

Case No.: 2:22-cv-01629-APG-BNW

Plaintiff

## **Order Remanding Case for Lack of Subject Matter Jurisdiction**

V.

WESTGATE LAS VEGAS RESORT, LLC,

## Defendant

8 Defendant Westgate Las Vegas Resort, LLC removed this action from state court based  
9 on diversity jurisdiction. ECF No. 1. Westgate did not submit evidence that the amount in  
10 controversy requirement is satisfied, so I ordered it to do so. ECF No. 5. Westgate responded by  
11 submitting a demand letter the plaintiff sent in January 2021. ECF No. 8-2. “A settlement letter  
12 is relevant evidence of the amount in controversy if it appears to reflect a reasonable estimate of  
13 the plaintiff’s claim.” *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 840 (9th Cir. 2002). That letter  
14 requests \$100,000.00 but identifies only \$8,745.37 in medical bills and states that other  
15 categories of damages are to be determined. *Id.* The letter does not provide a sufficient basis for  
16 me to conclude by a preponderance of the evidence that \$100,000.00 is a reasonable estimate of  
17 the plaintiff’s claim based on the limited information presented. Consequently, I remand the  
18 case to state court.

19 I THEREFORE ORDER that this case is remanded to the state court from which it was  
20 removed for all further proceedings. The clerk of court is instructed to close this case.

DATED this 17th day of October, 2022.

  
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE